

To: CN=Cheryl McGovern/OU=R9/O=USEPA/C=US@EPA[]
Cc: CN=Doug Eberhardt/OU=R9/O=USEPA/C=US@EPA;CN=Susan Hatfield/OU=R9/O=USEPA/C=US@EPA;CN=Alexis Strauss/OU=R9/O=USEPA/C=US@EPA;CN=Philip Woods/OU=R9/O=USEPA/C=US@EPA;CN=DavidW Smith/OU=R9/O=USEPA/C=US@EPA;CN=Gary Wolinsky/OU=R9/O=USEPA/C=US@EPA[]; N=Susan Hatfield/OU=R9/O=USEPA/C=US@EPA;CN=Alexis Strauss/OU=R9/O=USEPA/C=US@EPA;CN=Philip Woods/OU=R9/O=USEPA/C=US@EPA;CN=DavidW Smith/OU=R9/O=USEPA/C=US@EPA;CN=Gary Wolinsky/OU=R9/O=USEPA/C=US@EPA[]; N=Alexis Strauss/OU=R9/O=USEPA/C=US@EPA;CN=Philip Woods/OU=R9/O=USEPA/C=US@EPA;CN=DavidW Smith/OU=R9/O=USEPA/C=US@EPA;CN=Gary Wolinsky/OU=R9/O=USEPA/C=US@EPA[]; N=Philip Woods/OU=R9/O=USEPA/C=US@EPA;CN=DavidW Smith/OU=R9/O=USEPA/C=US@EPA;CN=Gary Wolinsky/OU=R9/O=USEPA/C=US@EPA[]; N=DavidW Smith/OU=R9/O=USEPA/C=US@EPA;CN=Gary Wolinsky/OU=R9/O=USEPA/C=US@EPA[]; N=Gary Wolinsky/OU=R9/O=USEPA/C=US@EPA[]
Bcc: []
From: CN=Kathleen Goforth/OU=R9/O=USEPA/C=US
Sent: Wed 2/4/2004 8:19:26 PM
Subject: Re: 205j - update
[RB5 outstanding disapprovals.wpd](#)
(embedded image)

Cheryl -

There are 2 outstanding WQS disapprovals in California, and 2 sets of "reserved actions" that also need the State's attention. Both disapprovals and one of the reserved actions pertain to the Sacramento/San Joaquin Basin Plan (Regional Board 5). The other reserved actions pertain to the Santa Ana Basin Plan (Regional Board 8).

The subjects of the disapprovals are:

1. Tributary rule/designation of uses
2. Dissolved oxygen objectives for the Delta

The reasons for these disapprovals are provided in the attached excerpt from our May 2000 approval/disapproval letter to the State: .

RB5 adopted a basin plan amendment to resolve item #1 in September 2002, but withdrew the amendment from State Board consideration last summer, so it has never been approved by the State Board nor submitted to EPA. Regarding the level of effort -- most of the work has already been done. All that remains is for the RB to re-submit the amendment to the State Board for approval. The hold-up is the State's desire not to act on this until after litigation regarding Vacaville's NPDES permit is resolved, since the application of the tributary rule is at issue in that case.

The Regional Board has yet to take any action at all to resolve the Delta DO disapproval. Based on discussions I've had with RB staff, this one could be pretty resource-intensive. The State might be able to do a quick fix by just re-instating some old Basin Plan language that was inadvertently deleted; however, there are problems with that approach, since the old language is inconsistent with current EPA guidance. RB staff have indicated that, to really develop appropriate DO objectives for the Delta, additional resources are needed to conduct studies, investigate historic and present conditions, etc. They committed to scope out what sort of studies would be needed and give me an estimate of the resources needed several months ago, but I haven't received anything yet.

The reserved action in RB5 pertains to the lack of REC use designations for 42 wetland water supply channels in the Grassland watershed. When the RB designated uses for these channels in 1996 as part of a set of basin plan amendments, it failed to conduct any UAAs or otherwise provide any justification for

omitting recreational use designations. When we took action on the 1996 amendments in May 2000, we "reserved action" on this omission for 120 days to give the RB time to provide us with information it said it had in its administrative record that would justify the omission, consistent with UAA requirements. The RB has never provided that information. RB staff have told me that they looked through the administrative record and could not find the information they thought they had, and they have simply not had the resources to follow-up on this matter.

We also reserved action on Regional Board 8's site-specific objectives for cadmium, copper, lead, and un-ionized ammonia for the middle Santa Ana River; acute WARM basinwide objectives for ammonia; and exceptions to MUN use. My understanding is that the Regional Board included these items in its triennial review workplan; however, none of the issues have yet been resolved, and it is not clear how firm the RB's commitment to resolving the ammonia issue is. Susan Hatfield can give you more details.

Of the above issues, OST has recommended that we focus first on resolving the following:

1. Delta D.O. disapproval
2. Reserved action on lack of REC uses for Grassland wetland water supply channels
3. Reserved action on site-specific objectives for Santa Ana River.

Since lack of resources has been the main reason the State has cited for not addressing these issues (at least the first 2; I'm not sure about the 3rd), I think it would be appropriate to recommend them as priorities for 205(j) funding. This would greatly help us move forward in reducing our WQS backlog.

-Kathy

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----- Forwarded by Kathleen Goforth/R9/USEPA/US on 02/03/2004 08:53 AM -----

Doug Eberhardt/R9/USEPA/US@EPA
02/03/2004 07:47 AM

To: Kathleen Goforth/R9/USEPA/US@EPA
cc:
Subject: Re: 205j - update

Please send Cheryl a current list of our standards backlog.

----- Forwarded by Doug Eberhardt/R9/USEPA/US on 02/03/2004 07:46 AM -----

Cheryl McGovern

To: Doug Eberhardt/R9/USEPA/US@EPA, DavidW
02/02/2004 05:12 PM Smith/R9/USEPA/US@EPA, Gary Wolinsky/R9/USEPA/US@EPA,
Philip Woods/R9/USEPA/US@EPA

cc: Alexis Strauss/R9/USEPA/US@EPA
Subject: Re: 205j - update

Hi Doug, Dave, Gary, and Phil,

As we anticipate California's interest in spending 205j on basin planning and standards work, I'd like to know if we have a list of California water quality standards that we've disapproved and haven't yet acted on, WQS deficiencies that have caused delays in TMDL or permit work, and your thoughts on other program needs that could be addressed using 205j funds (was Maria Rea working on this?). Also, please pass on your thoughts regarding what level of effort is needed. Gary, I've included you on this email because of your knowledge/history.

The State has established Basin Planning Roundtables and will meet this month to identify their priorities for 205j funding. I would like to bring our priorities to the meeting. Ideally, we could meet to discuss although I know Phil is only in on certain days. Times that don't work for me are: 2/5, 2/11, 2/12, 2/17, 2/20, 2/26 all day, 2/19 10-12am. When I hear back from everyone, I find a room and confirm the meeting.

Thanks for your help,

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----- Forwarded by Cheryl McGovern/R9/USEPA/US on 02/02/2004 04:39 PM

Alexis Strauss

To: Cheryl McGovern/R9/USEPA/US@EPA
01/30/2004 03:57 PM cc: Doug Eberhardt/R9/USEPA/US@EPA, Paul
Michel/R9/USEPA/US@EPA
Subject: Re: 205j - update(Document link: Cheryl McGovern)

I could see funding 1 PY in Bd 5, but with 400k, we should be able to fund 3 other PY in other big RBs too.

Cheryl McGovern

To: Alexis Strauss/R9/USEPA/US@EPA

01/23/2004 05:27 PM cc: Doug Eberhardt/R9/USEPA/US@EPA, Paul Michel/R9/USEPA/US@EPA

Subject: Re: 205j - update(Document link: Alexis Strauss)

1. Doug responded in support of basin planning and standards work. Ken Harris said the outcome of the next Basin Planning Roundtable will be to identify the highest priorities for 205(j). He would like to use our contract with TT to get work done but show in the "Planner/Tracker". I said we'd have to know what existing resources are going into basin planning and standards which would also be included in "P/T" because although they say they have 45 pys for planning in the regions they can only located 20 pys in the region.....

2. Here what Doug passed on from Kathy "The resources currently devoted to basin planning are ridiculously low, e.g., 1 FTE for Regional Board 5, which has a list of high and medium priority basin planning needs (identified in every triennial review) that requires many times that number of bodies. I don't have a good feel for how important the training idea is. The primary person I work with in RB5 for the Sac/San Joaquin Basin seems to know her stuff, and the Tulare Lake person pretty much follows her lead, but I don't know what the situation is in the other RBs. Simply allocating more resources to the RBs so they can actually tackle some of their needed water quality standards amendments would probably be the most valuable thing the State Board could do, but those additional resources would probably need training. The lead region idea has merit, but would have to be thought through very carefully, since there are subtle and not-so-subtle differences between the basin plans that would probably necessitate some fine-tuning of generic amendments by the individual regional boards, so those resource needs should be factored into the equation.

I recommend we use this proposed re-direction of resources as an opportunity to recommend that the State Board provide resources to Regional Board 5 to resolve the 2 remaining outstanding disapprovals (trib rule and, perhaps more importantly, the Delta D.O. objectives) and our reserved action (regarding lack of REC uses for the Grassland wetland channels) regarding the Sacramento/San Joaquin Basin Plan. Those have all been languishing for nearly 4 years. Lack of resources is the only reason the RB has provided for not following through on its commitment to provide justification for the lack of REC uses in the Grassland channels, and is one of the primary reasons it has so far declined/failed to address the Delta D.O. disapproval. Given the fact that HQ identified these as our top backlog reduction priorities last summer, coupled with Wayne's request that Alexis focus on the states' performance, and this administration's aversion to promulgations (which means we're unlikely to take the necessary unilateral action to resolve these longstanding issues unless and until we're sued) I think we have

sufficient reason to recommend the state put some of its re-directed resources to these tasks. What do you think?"

-Kathy

Kathleen Martyn Goforth

3. Here is summary of the first 11/2003 Basin Plan Roundtable hosted by Region 1 (Cat's idea?)

Participants:

R1: Rangit Gill, Dave Hope, Caryn Woodhouse Rebecca Fitzgerald, Lauren Clyde, Ben Zabinsky, Rick Azevedo

R2: Steve Moore

R3: Howard Kolb, Lisa McCann (teleconf.)

R4: Renee DeShazo

R5: Jon Marshak, Betty Yee (teleconf.)

R5 (Fresno): Pam Buford

R6: Judith Unsicker (teleconf.)

R7: Joan Stormo (teleconf.)

R8: Mark Adelson, Dave Woefel (teleconf.)

R9: Deborah Jayne

SB Planning: Ken Harris, Ric Rasmussen, Joanne Cox, Joanna Jensen, Phil Zentner, Ling Tseng, Greg Frantz

SB Standards: Bill Reeves, Linda O'Connell

Announcements:

- Currently there are 45 PYs for Planning in the Regions and fewer resources will be available next year.
- Ken updated staff on the recent announcements of positions to be filled with the Schwarzenegger administration.
- GOWBS is an Oracle database (project-tracker) that can be used for Planning priorities, budget, workload, etc.
- There is a lot of support to begin a Basin Planning Roundtable.
- Ken Harris handed out materials related to a possible structure and process for future Basin Planning Roundtables, with suggestions for schedules, representation, and support.

Only approximately 20 of the 45 PYs have been identified as being used for planning purposes at the Regions.

Group Agreement:

- Planning/Standards should become a formally recognized Program.
- TMDLs and Basin Planning should be addressed as separate Programs with some aspects of the TMDL Roundtable serving as a model for the Planning Roundtable.
- Regular Roundtables should be held. Quarterly face-to face meetings will be scheduled with periodic teleconference meetings to be held in the beginning to work on program framework decisions.
- Planning/Standards issues will be addressed annually with a formal workplan.
- Agreement that SSO's and Peer Review are topics that should be discussed at future Roundtables (added to list -see Item E).

Definition of the role of stakeholders should be discussed at a future Roundtable

A. Basin Planning Hot Topics

Lauren Clyde / All

Discussion

Group developed the following list of 30 topics to be addressed at future Roundtables. Each item has been categorized as a process; standards; implementation; or miscellaneous issue.

Process	Standards	Implementation	Miscellaneous
Coordination with Tribes	Workgroups to discuss and prioritize approach for developing WQOs [pathogens, nutrients, temperature, DO, Toxics, Biocriteria, Sediment (quality & quantity)]	SWANCC Decision Regulation of Waters not considered waters of the U.S.)	Website Consistency
CEQA Functional Equivalent Documents	Numeric surrogates for narrative objectives	TMDL Implementation Plans	Emerging Issues
· Updates	· How to interpret? · Use of translator.	· How to deal w/ NPS	
CEQA document preparation fees	Endocrine Disruptors · OEHHHA has endocrine disrupter workgroup (see Ling Tseng for contact info)	WER Policy · Possible duplication of projects	Tetra-Tech Contracts
Peer Review	Outstanding Natural Resource Waters (ONRWs) · Possibility of adding to list	Mixing Zones Workgroups · Products · Intranet	Basin Planning
Basin Plan Amendments Workshop/Hearing Schedules	Antidegradation Policies · Revisions / clarifications · Usefulness / effectiveness · Defining baseline conditions	Other States' policies/processes	
CEQA Regulations	Tributary Rule		
Stakeholder Participation	Beneficial Use Definitions- · Consistency · New definitions · Designation · Waterbody mapping accuracy · Sheila Vassey (OCC) should be involved in any BU workgroups or discussions.		

	· Seasonality of uses, especially in effluent-dominated streams.				
	· Water Rights document with definitions of BUs.				
Triennial Review	Defining Reference Conditions				
Priorities					
General Planning Issues	Use Attainability Analysis				
· Printing Basin Plans	· Consistency				
	· Pitfalls to avoid				
	· How to prepare				
APM Updates	Site Specific Objectives				
· Look at TMDL's APM					
	Groundwater Issues				
	· Salinity				
	· Contaminants				
	· DWR Bulletin 118 (new map)				
	· WQOs				
	· Boundaries				

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Alexis Strauss

To: Doug Eberhardt/R9/USEPA/US, Cheryl
01/23/2004 04:27 PM McGovern/R9/USEPA/US@EPA, Paul Michel/R9/USEPA/US
cc:
Subject: 205j

It seems we should be clear with the St Bd re what kind of work we would

agree to fund with about 400K in 205j money. I think discussion with Doug would be good about what he sees as most necessary from a stds perspective. The kinds of work I'm hoping to fund would involve:

- whole PY at a few Regl Bds to do specific, finite, important projects

- e.g. sources of drinking water policy, update specific Basin Plans (as RB1 just has done);